

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANDREW S. FAIRFIELD, TRACY) Civil Action No. 04-12604-PBS
FAIRFIELD, et al)
Plaintiffs,)
)
v.)
)
MASSACHUSETTS STATE)
CARPENTERS HEALTH BENEFIT)
FUND, HARRY R. DOW and JAMES W.)
BUCKLEY, JR.,)
Defendants)
_____)

DEFENDANTS' MOTION TO DISMISS

Defendants Massachusetts State Carpenters Health Benefits Fund, Harry R. Dow, and James W. Buckley, Jr., upon the accompanying memorandum of law, respectfully move to dismiss the complaint in its entirety pursuant to F.R.Civ.P. 12 (b)(1) and (6).

The undersigned counsel certifies that he attempted to consult with counsel for plaintiffs in a good faith effort to resolve or narrow the issues.

Date: May 6, 2005

Respectfully submitted,
Christopher N. Souris
BBO #556343
KRAKOW & SOURIS LLC
225 Friend Street
Boston, MA 02114 (617) 723-8440
/s/ Christopher N. Souris
Attorney for defendants

CERTIFICATE OF SERVICE

I, Christopher N. Souris, hereby certify that I caused a copy of the foregoing to be served this 5th day of May, 2005 Robert H. Flynn, Daly, Cavanaugh & Flynn, LLP
27 Mica Lane, Wellesley, MA 02481

Christopher N. Souris